

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

**Plaintiff,**

C06-1407Z

V.

## MINUTE ORDER

## UNITED AIRLINES, INC.,

Defendant.

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) Defendant's Motion for Summary Judgment, docket no. 46, is DENIED. There are material issues of fact as to (1) the fundamental job duties of the employment position at issue and (2) what constitutes a reasonable accommodation and whether special circumstances warrant a finding that a particular accommodation is reasonable even if it conflicts with the CBA.

(2) Pursuant to Rule 56(d), the Court holds as a matter of law, that United's offer of a three-year unpaid leave, with medical benefits and collective seniority, is not a "reasonable accommodation" for a disabled claimant that does not have a temporary medical condition.

(3) The Clerk is directed to send a copy of this Minute Order to all counsel of record.

Filed and entered this 21st day of March, 2008.

## BRUCE RIFKIN, Clerk

By s/ Claudia Hawney  
Claudia Hawney  
Deputy Clerk